

H.R. 3590 – Individual Mandate

What agency is more powerful than the DOD, more frustrating than the USPS and more likely to go through all your stuff than the TSA?

Did you guess the IRS?

What agency will grow by nearly 17,000 employees and ten billion dollars under H.R. 3590?

Did you guess the IRS?

Every year, every American will be required to prove to the IRS that they have purchased and maintained health insurance with “minimum essential coverage,” as mandated by the federal government. If you can’t prove that you had “acceptable” coverage during every single month of the year, IRS agents are authorized to charge you an *Individual Mandate Tax* (IMT) of \$2,250 or 2% of your household income (whichever is greater). If you don’t pay, the IRS can confiscate your tax refund. They might even audit you and assess additional penalties and interest.

Although it is called a tax, the IMT is really a penalty – a penalty that is only assessed for failure to a purchase a product that the federal government thinks you should buy: health insurance. Nor can you buy just any health insurance. Under H.R. 3590, only “acceptable” “minimum essential coverage,” as defined for new federal bureaucrats, will satisfy their requirements.

This raises one more question: where does the Constitution say that Congress may require any citizen to buy a product or service under penalty of law?

Article 1, Section 8 of the U.S. Constitution enumerates the powers of Congress. Nowhere among them is the power to force a citizen (and only a *citizen* – it turns out H.R. 3590 exempts

illegal immigrants) to purchase a product.

Even the commerce clause, which has been broadly interpreted to allow Congress to regulate all sorts of commercial activity, has never been interpreted to permit Congress to regulate individual commercial

inactivity

, in this case the choice to not buy health insurance.

If we start down that road, where will it stop?

Congressman Todd Akin's "Quick Takes" are a brief look at an aspect of a current hot topic. March 20, 2010